

ENTERED

June 23, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MASUD HAMID,

Plaintiff.

V.

STATE OF MICHIGAN, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:22-cv-04038

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On March 10, 2023, all pretrials matter in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 29. Judge Edison entered an Order on June 7, 2023, denying Plaintiff's motion to proceed in forma pauperis on appeal (Dkt. 44) and certifying that Plaintiff's appeal is not taken in good faith. *See* Dkt. 46. I construe this Order as a Memorandum and Recommendation. *See Woods v. Dahlberg*, 894 F.2d 188 (6th Cir. 1990) ("A district judge is free to refer a motion for pauper status to a magistrate and if the decision is to grant such a motion, the magistrate may enter such an order. If the decision is to deny, however, the magistrate must make such a recommendation to the district judge who will then take final action.").

On June 21, 2023, Plaintiff filed an affidavit to accompany his motion for permission to appeal in forma pauperis. Dkt. 47. I will construe this affidavit as an objection to Judge Edison's memorandum and recommendation. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions

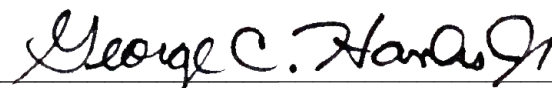
of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the objection, the Memorandum and Recommendation, the pleadings, and the record. The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 46) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff's Motion to Proceed In Forma Pauperis (Dkt. 44) is **DENIED**; and
- (3) The Clerk shall immediately notify the parties and the Fifth Circuit Court of Appeals that this Court has denied Plaintiff's Motion to Proceed In Forma Pauperis, and that this Court certifies that Plaintiff's appeal is not taken in good faith.

It is so **ORDERED**.

SIGNED and ENTERED this 23rd day of June 2023.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE